

Message Text

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ACTION EA-07

INFO OCT-01 ISO-00 PER-05 /013 W
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R 270405Z SEP 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 7046

UNCLAS TOKYO 12463

E.O. 11652: N/A

TAGS: SGEN

SUBJECT: ACCEPTANCE OF EMPLOYMENT BY DEPENDENTS

EMBASSY HAS RECEIVED NUMBER OF QUERIES CONCERNING GAINFUL EMPLOYMENT BY MEMBERS OF FAMILY (DEPENDENTS) OF U.S. CITIZEN EMPLOYEES AND REQUESTS GUIDANCE ON QUESTIONS SET FORTH BELOW:

1. ASSUME DEFINITION OF DEPENDENT IS AS SET FORTH IN 3 FAM 681.6, 6 FAM 117K AND SR040M. WE HAVE ACCEPTED AS DEPENDENTS ALL PERSONS LISTED IN TRAVEL ORDERS ASSIGNING PERSONNEL TO POST. PLEASE CONFIRM.
2. DO REGULATIONS CONTAINED IN 3 FAM 620 AS PERTAINING TO "ACCEPTANCE OF EMPLOYMENT BY MEMBERS OF FAMILY ABROAD" STILL APPLY OR ARE REVISIONS CONTEMPLATED? (A-728, JANUARY 22, 1972).
3. JAPANESE GOVERNMENT HAS RESTRICTED APPROVAL FOR EMPLOYMENT BY FAMILY MEMBERS TO NOT MORE THAN 16 HOURS WORK PER WEEK AND 60,000 YEN SALARY PER MONTH. WILL USUALLY GIVE PERMISSION ONLY FOR CERTIFIED TEACHERS TO TEACH OR NURSING BY A REGISTERED NURSE. SUCH PERMISSION IS ON CASE BY CASE BASIS AND NOT ALWAYS FORTHCOMING. IN CASES OF DISAPPROVAL, MINISTRY OF JUSTICE HAS SUGGESTED THAT APPLICANT MAY WISH APPLY FOR CHANGE OF VISA STATUS, AND WE HAVE TAKEN POSITION THAT REQUESTS FOR SUCH CHANGES AS MATTER OF POLICY WILL NOT BE APPROVED. THIS HAS HERETOFORE BEEN SUFFICIENT DETERRENT CANCEL REQUEST. HOWEVER, WE NOW HAVE SITUATION WHERE A WIFE, HAVING BEEN DENIED APPROVAL TO TEACH, HAS OFFICIALLY APPLIED FOR PERMISSION TO REQUEST A CHANGE IN HER VISA STATUS. VIEW POLICY STATEMENTS CONTAINED DEPARTMENT'S A-728, UNCLASSIFIED

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JANUARY 22, 1972 AND A-8056, WE REQUEST GUIDANCE.

4. IF PERMISSION IS GRANTED, TO CHANGE VISA STATUS, WE BELIEVE INDIVIDUAL CONCERNED WOULD LOSE IMMUNITY FROM JUDICIAL PROCESS, AS WELL AS ANY OTHER PRIVILEGES THAT NORMALLY ARE EXPECTED AND WOULD NOT BE ENTITLED TO DIPLOMATIC OR OFFICIAL PASSPORTS, AT LEAST WHILE IN COUNTRY ON A BUSINESS VISA. DEPARTMENT'S POSITION AND GUIDANCE IS REQUESTED. IT SHOULD BE NOTED THAT JAPANESE GOVERNMENT WILL NOT ISSUE A BUSINESS OR COMMERCIAL VISA TO HOLDERS OF THESE TYPES OF PASSPORTS.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 27 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973TOKYO12463
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973095/aaaaadh1.tel
Line Count: 71
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 19 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19-Dec-2001 by maustmc>; APPROVED <11 MAR 2002 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ACCEPTANCE OF EMPLOYMENT BY DEPENDENTS EMBASSY HAS RECEIVED NUMBER OF QUERIES CONCERNING GAINFUL EMPLOYMENT
TAGS: SGEN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005